

## New MHA Guidance Means Three-Year Work Visas for American CEOs and Executives, Clarity on Several Procedural Questions

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### Executive Summary

*CEOs and other senior executives of U.S. companies may receive three-year work visas under new formal guidance from the Ministry of Home Affairs that also provides much-needed clarity on re-entry permission in tourist status, exit permission for visa overstays, and other issues.*

CEOs and other senior executives of U.S. companies may receive three-year work visas under new [Ministry of Home Affairs guidance](#) that also provides much-needed clarity to the public on procedures for a variety of unique immigration scenarios, such as re-entry permission in tourist status, exit permission for visa overstays, and other issues.

The guidance is also among the first formal government statements on the division of authority for immigration processes, detailing the delegation of authority for immigration procedures to local state governments, Union Territory Administrations, and Foreign Registration Offices (FROs) and Foreign Regional Registration Offices (FRROs), information that before now was largely known only to government staff. It also [provides information](#) on visa eligibility for restricted nationalities, such as those from Bangladesh, China and Pakistan.

**Work Visas for CEOs and Senior Executives.** Chief Executive Officers and other senior executives employed by a U.S. company may be eligible to receive an employment visa that is valid for up to three years or for the duration of their employment contract, whichever is shorter. Standard employment visas are only valid in one-year increments.

**Re-entry Permission for Tourist Visa Holders.** Local FRO/FRROs have the discretion to allow foreign nationals of Indian origin to make multiple tourist visits to India without being required to spend at least two months abroad between visits. These re-entrants must demonstrate they are making a bona fide tourist visit.

Generally, foreign nationals are [subject to a two-month waiting period](#) in between visits to India on a tourist visa. The new discretionary exemption applies only to persons of Indian origin.

**Exit Permission for Visa Overstays.** State governments, Union Territory Administrations and FROs/FRROs may allow foreign nationals who overstayed a Tourist or X visa by three months or less to exit the country by simply paying a penalty fee, so long as no local objection is made against the exit, there is no national security concern, and the foreign national is not party to a pending Indian legal proceeding.

**Employment Visas for Chinese Nationals Married to Indian Nationals.** The government has confirmed that a qualifying Chinese national holding an X entry visa who is married to an Indian national is authorized to work in India for a one-year period after converting the X visa into an E employment visa, which may be extended indefinitely in one-year increments. The

Chinese spouse must apply to the MHA to change to an employment visa and be prepared to provide proof of the marriage and a report showing satisfactory conduct during his or her stay in India

The Chinese spouse of an Indian national applying to extend an employment visa must submit proof that the marriage is ongoing; a showing of good conduct during the beneficiary's stay in India; documentation showing ongoing employment; and income tax return filings. Employment visa holders may only change employers with the approval of the MHA.

**Replacement Visas and Exit Permission for Those Who Have Lost Their Passport in India.** Local FRO/FRROs may issue replacement visa endorsements or exit permission to foreign nationals who have replaced their passport while in India due to loss or theft, provided the foreign national can produce a copy of their initial information report to local police to confirm their arrival date and visa details.

**Extensions and Exit Permission for Those in OCI Status Without U Visa Stickers.** Individuals with Overseas Citizenship of India (OCI) status who have obtained new passports that do not contain th